

Translation

PATENT COOPERATION TREATY

PCT/JP2003/010244



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 03135(PCT) | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/JP2003/010244 | International filing date (day/month/year) 12 August 2003 (12.08.2003) | Priority date (day/month/year) 19 August 2002 (19.08.2002) |
| International Patent Classification (IPC) or national classification and IPC G11B 7/007, 7/0045, 7/24 | | |
| Applicant NEC CORPORATION | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 12 August 2003 (12.08.2003) | Date of completion of this report 12 May 2004 (12.05.2004) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/010244

I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed

the description:

pages _____ 1-20 _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

the claims:

pages _____ 2-7, 9-15 _____, as originally filed
 pages _____ _____, as amended (together with any statement under Article 19
 pages _____ _____, filed with the demand
 pages _____ 1, 8, 16, 17 _____, filed with the letter of 02 February 2004 (02.02.2004)

the drawings:

pages _____ 1-16 _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

the sequence listing part of the description:

pages _____ _____, as originally filed
 pages _____ _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP03/10244

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-----------------|-----|
| Novelty (N) | Claims | 1-17 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 3, 9, 12-17 | YES |
| | Claims | 1-2, 4-8, 10-11 | NO |
| Industrial applicability (IA) | Claims | 1-17 | YES |
| | Claims | | NO |

2. Citations and explanations

Document 1: JP, 2002-157747, A (Matsushita Electric Industrial Co., Ltd.), 31 May, 2002 (31.05.02)

Document 2: US, 2001-0026515, A1 (Mochizuki et al.), 4 October, 2001 (04.10.01)

Document 3: JP, 10-91967, A (Hitachi, Ltd.), 10 April, 1998 (10.04.98)

Document 4: JP, 10-134357, A (Victor Company of Japan, Ltd.), 22 May, 1998 (22.05.98)

The subject matters of claims 1, 2, 8, 10 and 11 do not appear to involve an inventive step in view of documents 1 and 2. Document 1 (paragraphs 0041-0056) discloses an optical disk having a land track and a groove track, wherein a plurality of address areas provided along a track at intervals of 300 or more times the length of the channel bit have a fixed length of 36 or less times the length of the channel bit circumferentially with respect to the track and have a fixed length of one track (3 or less tracks) radially. A person skilled in the art could have easily applied the technique of providing regions formed with pre-pits so as not to be radially adjacent to each other as shown in document 2 (Figs. 2 and 11) to the optical disk of document 1.

The subject matter of claim 4 does not appear to involve an inventive step in view of documents 1-4. Document 3 (paragraphs 0047 and 0048, Figs. 1 and 5) and document 4 (Fig. 1) describe that a plurality of zones divided radially are provided in a disk and that wobbles within each zone are aligned to the same phase.

The subject matters of claims 5-7 do not appear to involve an inventive step in view of documents 1 and 2. Forming pre-pits by changing the shape of the side walls of grooves, discontinuing the grooves or providing embossment on lands is a commonly used technique.

The subject matters of claims 3, 9 and 12-17 are neither disclosed in any of the documents nor obvious to a person skilled in the art.